

250-RICR-40-25-1

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 25 - MOSQUITO ABATEMENT

PART 1 - Rules and Regulations of the Mosquito Abatement Grant Program

1.1 Statutory Basis

Under the authority of R.I. Gen. Laws Chapter 42-35 "Administrative Procedures", Chapter 42-17.1 "Department of Environmental Management", Chapter 23-25 "Pesticide Control" and Chapter 43-7 "Mosquito Abatement", the following Rules and Regulations are being promulgated to administer § 23-7-16 of the R.I. Gen. Laws.

1.2 Purpose

The purpose of these Rules and Regulations is to establish (a) eligibility and evaluation criteria upon which the Board will award grants to mosquito abatement districts and (b) procedures for administering the grant program.

1.3 Administrative Findings

- A. The following administrative findings are made as basis for these Rules and Regulations:
1. Mosquitoes represent a substantial nuisance problem throughout the State which can significantly reduce quality of life through the annoyance of their bites.
 2. When mosquito breeding sources are extensive and the adults numerous and widely dispersed, individual control measures such as avoidance, application of repellents or backyard spraying can be inefficient or inadequate.
 3. Pesticides can cause allergic reactions in sensitive individuals, contaminate domestic water supplies, harm valuable wildlife populations, and lead to pesticide resistance through their necessary repeated use. For these reasons, pesticide use should be minimized.
 4. Alternatives to pesticides, especially physical control measures, have a high per acre cost and are beyond the financial resources of most cities and towns. Under these circumstances, community-wide control measures are more efficient and beneficial.

1.4 Definitions

- A. "Biological control" means the introduction, conservation or encouragement of natural predators, pathogens or parasites for the purpose of preventing, reducing or eliminating mosquito populations.
- B. "Breeding source" means any water-holding site or container which supports a population of aquatic (immature) mosquitoes.
- C. "Certified financial statement" means a complete list of mosquito control program expenditures which is signed and dated by the person representing the district and accompanied by acceptable proof of such expenditures.
- D. "Chemical control" means the application of pesticides, include microbial pesticides such as *Bacillus thuringensis var. israelensis* or growth regulators such as methoprene, to the environment for the purpose of preventing, reducing or eliminating aquatic (immature) or adult mosquito populations. Under §1.5(A) of this Part for Conducting Mosquito Control Programs, chemical control of mosquitoes by a Mosquito Abatement District is restricted to application of pesticides that are listed in the Mosquito Abatement Board List of Allowed Pesticides. Equipment - Any apparatus, tool, provision or necessity purchased with Mosquito Abatement Grant funds to conduct the approved project or activity.
- E. "Long term control" means physical or biological control.
- F. "Minimal disruption of natural environments" means maintenance to the fullest extent possible the full range of plant and animal life characteristic of adult or immature mosquito habitats while still reducing, preventing or eliminating mosquito populations.
- G. "Minimization of pesticide use" means the application of physical or biological control measures, or the application of chemical control when physical or biological control is impractical or undesirable, where and when needed as indicated by standard mosquito sampling methods.
- H. "Mosquito abatement" means the prevention, reduction or elimination of mosquito populations, synonymous with the term "mosquito control".
- I. "Mosquito abatement (control) district" means a city or town, two or more cities or towns that have joined together, or a subdivision of a city or town which has notified the Secretary of the State and the Mosquito Abatement Board that it has formed such a District.
- J. "Mosquito abatement (control) program" means an approved schedule of planned and continuing work activities utilizing a variety of preventive and long-term control measures and having the objective or reducing mosquito biting. Work activities are carried out only when and where necessary as determined by standard mosquito sampling methods. In accordance with R.I. Gen. Laws § 23-

7-7 and Chapter 23-78, a Mosquito Abatement Program plan must meet the approval of the Mosquito Abatement Board and undergo a municipal public hearing prior to execution.

- K. "Mosquito abatement (control) project" means an activity or group of activities aimed at achieving a specific goal of a Mosquito Abatement Program.
- L. "Nuisance area" means a recreational or population area infested by the adults of one or more nuisance species as documented by standard data collection methods.
- M. "Nuisance species" means mosquito species which feed preferentially on humans.
- N. "Physical control" means the physical alteration of a breeding site through management of wet-dry cycles, regrading, draining, filling, flushing, or removal or alternation of plant growth so as to render it unsatisfactory for the production of the aquatic (immature) life stages of mosquitoes.
- O. "Preventive control" means application of any biological, physical or chemical mosquito control measure to a breeding source for the purpose of preventing, reducing or eliminating production of the aquatic (immature) life stages of mosquitoes, or application of any legal or administrative action for the purpose of preventing, reducing or eliminating the creation of mosquito breeding sources.
- P. "Sanitation" means the elimination of breeding sources on personal property such as by flushing, covering or removing water-holding containers or filling or regrading poorly drained areas.
- Q. "Self-protection" means individual action to reduce exposure to mosquitoes such as through application of repellents, installation of window and door screens, or avoidance of outdoor activities during the early morning and evening hours when mosquitoes are most active.
- R. "State" means for the purposes of these Rules and Regulations, the Department of Environmental Management and Mosquito Abatement Board.

1.5 Allocation of Funds

- A. Available Funds: The total funds available for grants shall be determined in accordance with the formula provided in R.I. Gen. Laws § 23-25-6.1, by the number of pesticide products registered during the previous fiscal year, plus funds remaining from previous years.
- B. Maximum Grant Amount: The Mosquito Abatement Board shall set the maximum amount of a single grant for each application period. Such application period shall be determined by the Board. This amount, however, shall not exceed 50% of the total funds available.

- C. Funding Schedule: The Mosquito Abatement Board shall fund grant applications on an annual basis.

1.6 Application Procedures

- A. Application Format: Application for funding shall be in the form of a project proposal which shall be typed (double spaced) and shall include a Summary, and sections on Objectives, Background and Justification, Procedures, References Cited (if any), Budget Request, Funding Match, and the Resume of the principal investigator or key individuals involved in the project. The text of the proposal shall be limited to five pages with additional supporting information (if any) included in an appendix. Assistance needed to prepare the proposal may be obtained from the Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767.
1. Budget Request - This section shall itemize all eligible project costs as specified in § 1.7(C) of this Part related to the proposed project, in particular for equipment in excess of \$500.00.
 2. Funding Match - Communities are required to have provided funds for their mosquito control program at least equal to the amount requested. The amount of the request may be based on community appropriated funds and funds other non-state sources. This match amount must be itemized in a certified financial statement.
- B. Filing: Applications must be filed within the prescribed period, set forth by the Mosquito Abatement Board, with the Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767.
- C. Recording: Applications will be accepted any business day, up to and including the filing deadline. They will be date and time stamped upon receipt.
- D. Filing Deadline: The Mosquito Abatement Board shall set a filing deadline for receipt of applications for each year. Applications received after the filing deadline will not be considered for funding during that filing period and will be returned to the applicant. Such applications may be resubmitted during a subsequent filing period. Information on the filing deadline may be obtained from the Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767.

1.7 Eligibility Criteria

- A. Eligible Applicants: All Rhode Island communities that are registered Mosquito Abatement Districts are eligible to apply for funding. A current list of registered

Districts may be obtained from the Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767. Communities may become a District by filing written notice with the Secretary of State (c/o Administrative Records, Room 43, State House, Smith Street, Providence, RI 02903) as provided in R.I. Gen. Laws § 23-7-7. This notice must include a description of the proposed boundaries of the District (usually the geographical limits of the city or town). A copy of the notice must be sent to the Mosquito Abatement Coordination Office (Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767).

- B. Eligible Projects: A project shall be eligible for funding if its objective is the minimization of pesticide use and the minimal disruption of natural environments as defined in § 1.7(A) of this Part. Examples include, but not limited to:
1. Development of a map of nuisance areas;
 2. Development of map and inventory of mosquito breeding sources;
 3. Development of an inventory of nuisance species;
 4. Design, implementation or evaluation of biological or physical mosquito control methods provided all reviews, permits, clearances, and/or statements of non-applicability, as required by any applicable Federal or State regulatory or permitting process, have been obtained prior to implementation.
 5. Design or implementation of public education programs that encourage community residents to practice self-protection and sanitation to reduce mosquito annoyances or that educate residents about mosquito-transmitted diseases or mosquito control methods; and,
 6. Participation in continuing education programs for the purpose of learning mosquito sampling methods or control techniques.
- C. Eligible and Ineligible Project Costs: All costs of personnel, equipment, equipment rental, supplies, travel, and contractual services associated with the project are eligible for funding, except when they cover the purchase or application of pesticides, or the rental of office or storage space. These ineligible project costs, however, may be applied when computing the funding match (§ 1.6(A)(2) of this Part).
- D. Project Period: All project proposals shall be for work done for a period of no longer than one year, July 1 through June 30.

1.8 Application Evaluation

- A. Evaluation Criteria: The Mosquito Abatement Board shall consider several criteria in rating applications, including but not limited to the following:
1. Relationship of the proposed project to the program objective of minimization of pesticide use and the minimal disruption of natural environments.
 2. Probability that the proposed work will be completed successfully;
 3. Capability of personnel;
 4. Adequacy of facilities and equipment;
 5. Availability of alternative funding to accomplish objectives;
 6. Cost-effectiveness of the project;
 7. Likelihood that the proposed project will make a long-term contribution to mosquito abatement in the community;
 8. Evidence that all necessary safety precautions will be taken; and,
 9. Evidence that all State and Federal permits, clearances, or statements of non-applicability have been applied for or granted.

1.9 Awards

- A. Amount of Award: The Mosquito Abatement Board shall make awards based on:
1. Evaluation of the project proposal relative to others under consideration, and,
 2. The amount available for allocation in accordance with § 1.5 of this Part.
- B. Notice of Award: Recipients of awards shall be notified by conventional mail.
- C. Memorandum of Agreement: Before any funds can be released, communities that are so notified as recipients of grant awards shall sign a Memorandum of Agreement with the State specifying the terms and conditions of the award and must comply with all State budgeting and payment procedures.
- D. Change in Memorandum of Agreement: Subject to the approval of the State, any change(s) to be made in the signed agreement between the State and the Grantee, particularly those affecting budgetary expenditures, shall require written permission. The Grantee shall request said permission in a letter addressed to

the Mosquito Abatement Board. The State may approve such request in writing, and such an approved change shall be an amendment to the agreement.

- E. Disbursal of Award Payments: Award payments will be made as follows: Upon submission of an initial bill, fifty (50) percent of the total amount of the award will be paid to the Grantee. Payment of the remaining fifty (50) percent of the award will be made upon completion of the project and satisfactory submission of the Final Report as detailed in §1.10 of this Part.

1.10 Equipment

- A. Project Equipment: All equipment purchased with Mosquito Abatement Grant monies that is not expended after the completion of the project shall be returned to the State upon request. The Grantee shall properly maintain said equipment and an up-to-date inventory of all equipment purchased with Mosquito Abatement Grant monies which shall be made available to the State. Said equipment inventory shall be attached to the final report and shall include:
 - 1. Invoice with serial number;
 - 2. Receipt for goods;
 - 3. Description of equipment;
 - 4. Evidence of Payment - Cancelled checks, copies of both sides are required.
 - 5. If the State fails to request the return of said equipment within one (1) year after the date of the submission of the Final Mosquito Abatement Grant Program Report, the equipment shall become the property of the grantee.
- B. Equipment Storage: Any equipment, returned as a result of a State request, shall be stored at the Office of Mosquito Abatement Coordination or any other suitable DEM/Division of Agriculture storage area.
- C. Equipment Disbursal and Retrieval: All equipment, returned as a result of a State request, shall be assigned a Mosquito Abatement Grant Inventory Number for purposes of identification. The Mosquito Abatement Coordinator shall develop an appropriate recording and tracking system for the mosquito abatement grant inventory. Any and all equipment so identified shall be disbursed by the Mosquito Abatement Coordinator only to approved grantees and only for the specified grant period. All equipment shall be returned to the Mosquito Abatement Coordinator in its pre-disbursement condition, except for normal wear and tear resulting from proper usage. The cost of equipment replacement brought about by misuse or destruction - either accidental or intentional - may be deducted from the final payment of mosquito abatement grant funds.

1.11 Final Reports

- A. Upon completion of the project, recipients must submit a Final Report that properly accounts for funds spent as well as evaluates progress toward the objective of the project. Assistance needed to prepare the report may be obtained from the Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767.
1. Report Format: Final Reports shall be typed (double-spaced) and shall include an Abstract and sections on Statement of Problem, Project, Results (not more than 500 words) and Financial Statement.
 2. Financial Statement: All grant and community funds used to carry out the project shall be itemized in a Certified Financial Statement. In the case of recipients that used projected expenses as a basis for their Funding Match (§ 1.6(A)(2) of this Part), any grant funds not matched by community funds shall be returned to the State. Reimbursement of such funds shall be received by the State no later than thirty (30) days after the submission of the Final Report.
 3. Filing: Reports shall be filed within the prescribed period, as indicated under § 1.11(A)(5) of this Part, with the Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767.
 4. Recording: Reports shall be accepted any business day, up to and including the filing deadline. They shall be date and time stamped upon receipt.
 5. Filing Deadline: The Mosquito Abatement Board shall set a filing deadline for receipt of final reports for each year. If the final report will not be ready by the filing deadline, recipients may submit a status report which should include abbreviated Program and Results sections (1 to 2 pages total) and a Financial Statement of expenditures made to date. Information on the filing deadline may be obtained from the Department of Environmental Management/Division of Agriculture/Mosquito Abatement Coordination Office, 235 Promenade Street Providence, RI 02908-5767.

1.12 Severability

If any section, paragraph, phrase, sentence or clause of these Rules and Regulations is declared invalid or unconstitutional for any reason, the remainder of the rules shall not be affected thereby.

250-RICR-40-25-1

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 25 - MOSQUITO ABATEMENT

**PART 1 - RULES AND REGULATIONS OF THE MOSQUITO ABATEMENT GRANT
PROGRAM (250-RICR-40-25-1)**

Type of Filing: Refile Capabilities

Department of State

Regulation Effective Date

Original Signing Date

Department of State Initials

Department of State Date